

IN THE DRAWINGS

Corrected drawings are supplied herewith.

Enclosed are Replacement Drawing Sheets amending Figure 1 to include reference number 100.

REMARKS

This responds to the Office Action mailed on June 18, 2007.

Claims 1, 16, 19, 34, and 37 are amended, and no claims are cancelled or added; as a result, claims 1-37 remain pending in this application.

Interview Summary

Applicant thanks Examiner **Christopher H. Bond** for the courtesy of an in-person interview on **July 26, 2007** with Applicant's representative **John M. Dahl**.

In the interview, it was generally agreed that amending the claims to reflect that selection of audio tracks by the game machine rather than by the user would distinguish the pending claims from the cited art, but that a further search may be conducted. No conclusion was therefore reached as a result of the interview.

Drawing Objections

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) for not mentioning reference number 100. Appropriate correction to the drawings has been made in the Replacement Drawing Sheets supplied herewith.

§112 Rejection of the Claims

Claims 16 and 34 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement.

Claims 16 and 34 were also rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Claims 16 and 34 have been corrected to reflect that the sampling rate of the file is relevant, but that actual recording of the file or production of the file by other means is not of substance to the claims. Both claims now recite having different sampling rates rather than being recorded using different sampling rates.

§102 Rejection of the Claims

Claims 1-2, 12, 18-20, 30 and 35-37 were rejected under 35 U.S.C. § 102(e) for anticipation by Koenig et al. (U.S. 6,729,618).

§103 Rejection of the Claims

Claims 3-11, 13-16, 21-29 and 31-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Koenig et al, hereafter “Koenig”.

Koenig discusses a wagering game system featuring a bonus game in which a user selects a number of different icons representing both a bonus multiplier and an audio component track, such that the multipliers accumulate and the audio component tracks are added to one another to form an audio track. Koenig does not discuss selecting audio tracks other than by direct user selection of an icon such as those of Figure 3, and does not discuss deselecting or removing selected component audio tracks from the played audio track.

The pending claims have been amended therefore to reflect that the audio element tracks of the invention as claimed can be combined in various ways, including both selection and deselection of element audio tracks, distinguishing the pending claims from Koenig’s cumulative selection process that fails to consider deselection of audio element tracks. The claims have further been amended to reflect that selection of audio tracks is performed by the wagering game machine independent of direct user selection or input, such as by random number generator, ordered list, or other methods such as those disclosed in the dependent claims and specification.

Because the cited reference discusses neither deselection of element audio tracks or selection of audio tracks via a method that is not dependent on direct user selection of the element audio tracks, the pending claims are believed to be allowable over the prior art. Reexamination and allowance of these pending claims is therefore respectfully requested.

Applicant further reserves the right to later object to a single reference §103 rejection, and to request pursuant to §2144.03 that references showing each element of the pending claims be cited to sustain a rejection.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL P. CONNELLY

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9581

Date

July 31 '07

By

John M. Dahl

John M. Dahl

Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31 day of July 2007.

Name

Peter Rubenoff

Signature

Peter J.